



MINUTES OF THE REGULAR MEETING  
OF THE  
BOARD OF COMMISSIONERS  
FOR THE  
COUNTY OF LEE, STATE OF NORTH CAROLINA

AUGUST 14, 2006

---

The regular meeting of the Board of Commissioners for the County of Lee, State of North Carolina, convened at 9:00 a.m. in the Commissioners' Room, Lee County Government Center, 106 Hillcrest Drive, Sanford, North Carolina, on said date. Commissioners present were W. Chad Adams, Robert H. Brown, Herbert A. Hincks, Jerry M. Lemmond, Nathan E. Paschal, Robert T. Reives, and Amy L. Stevens.

Chairman Hincks presided and the following business was transacted:

County Attorney K. R. Hoyle delivered the invocation.

Commissioner Chad Adams led the pledge of allegiance.

Three new employees from the Social Services Department were introduced to the Board along with one new employee from the Sheriff's Department.

The Board considered additions/changes to the agenda. Chairman Hincks asked the Board to discuss a memo that Commissioner Reives sent to the County Manager in reference to using the new middle school as an emergency shelter. Commissioner Adams asked that a resolution authorizing Certificates of Participation for FY 2006-097 Capital Improvement Projects be pulled from the Consent Agenda for discussion. Commissioner Lemmond asked that budget amendments be pulled from the Consent Agenda for further discussion from Senior Services Director Debbie Davidson. Commissioner Reives asked to discuss, under New Business, the work session scheduled following the regular meeting. County Manager David Smitherman asked the Board to consider and approve a resolution to establish the Base Relocation and Closure (BRAC) Coordinating Committee. Commissioner Adams moved to approve the agenda as amended. Upon a vote, the results were as follows:

Aye: Adams, Brown, Hincks, Lemmond, Paschal, Reives, and Stevens  
Nay: None

The Chairman ruled the motion had been adopted unanimously.

Commissioner Lemmond moved to approve the Consent Agenda as amended, which consisted of the following items:

- Closed session minutes for July 17 – 27, 2006
- Work session and regular meeting minutes from July 17, 2006 meeting
- Recessed meeting minutes from July 24, 2006 meeting
- Recessed meeting minutes from July 27, 2006 meeting
- July 2006 Tax Releases and Refunds (copy attached)
- Grant for Seniors Health Insurance Information Program (SHIIP) through Senior Services
- FY 2006-07 Annual Home and Community Care Block Grant Agreement for Senior Services
- Naming of immigrant resource center room at the Jonesboro Library to the “**Jonesboro International Room**”
- Revisions to the Lee County Personnel Policy
- Letter of agreement with Robert S. Segal, CPA PA (copy attached)
- Preliminary plat for “Mount Joy Place”
- Approval to surplus 2001 Ford Crown Victoria automobile and place on eBay for sale
- Approval from Health Department to seek funding to increase half-time Physician Extender II position
- Proclamation for Fall 2006 **LITTER SWEEP** roadside cleanup (copy attached)

Upon a vote, the results were as follows:

Aye: Adams, Brown, Hincks, Lemmond, Paschal, Reives, and Stevens  
Nay: None

The Chairman ruled the motion had been adopted unanimously.

No one signed up to speak during the Public Comments section of the meeting.

Assistant Community Development Director Marshall Downey discussed the following four (4) text amendments to the Unified Development Ordinance.

- Amendment to Special use Permits
- Amendment to Creation of lots within the 100-year floodplain

- Amendment to Political Signs
- Amendment to Flood Hazard Area Regulations

Chairman Hincks opened the public hearing that had been advertised for this date and time to hear comments from the public concerning the text amendments to the Unified Development Ordinance.

No one present spoke in favor of or in opposition to the above referenced text amendments.

Chairman Hincks closed the public hearing.

At this time members of the Lee County Planning Board retired to the Small Conference Room (Room #124) to discuss the four (4) text amendments as outlined by Mr. Downey and bring a recommendation back to the Board of Commissioners.

Economic Development Director Bob Heuts told the Board that members of the Lee County Economic Development Corporation had unanimously approved an incentive package for Wyeth Biotech to seek approval from their corporate office to construct a 195,000 sq. ft. administrative office at their Lee County facility. Mr. Heuts stated the facility would house approximately 650 employees with an investment of as much as \$50,000,000.00. Lee County would be asked to provide a grant of \$911,858.00, over five-years, to assist in the construction of the above referenced administrative building.

Chairman Hincks opened the public hearing that had been advertised for this date and time to hear comments from the public concerning an incentive package for Wyeth Biotech to construct a new administrative office on their Lee County property.

Economic Development Director Bob Heuts spoke in favor of the incentive package.

Ms. Mary Thornton Yarborough of 713 Denada Path, Sanford, spoke in opposition to the incentive package. Ms. Yarborough stated there were more pressing County needs at this time and this project would take taxpayer money that should be used for more important issues.

Chairman Hincks closed the public hearing.

Chairman Hincks moved to approve a *Resolution Requesting Grant of Incentive Funds from Lee County for the Wyeth Project and Authorizing the Execution and Delivery of Documents Pertaining to Said Project*, and a *Resolution Authorizing the Expenditures of Funds for an Economic Development Project and Approving an Agreement with the Lee County Economic*

*Development Corporation*, copies of which are attached to these minutes and by this reference made a part hereof. Upon a vote, the results were as follows:

Aye: Hincks, Lemmond, Paschal, Reives, and Stevens  
Nay: Adams and Brown

The Chairman ruled the motion had been adopted by a five to two vote.

Commissioner Adams stated he voted in opposition to the request due to “philosophical reasons” and Commissioner Brown stated he voted in opposition due to the fact that no new employees would be added.

Commissioner Reives asked Mr. Heuts to furnish the Board with additional information pertaining to this project, such as maps, verification of approval from the Economic Development Board, and an incentive summary sheet showing incentive amounts to be paid out each year for the five-year project.

Assessment Solutions Project Manager Tim Cain gave the Board an update on the 2007 Revaluation Project. Mr. Cain stated that a Schedule of Values would be presented to the Board in October for approval. Tax Office staff were complimented for the good job they are doing. The Board took no action.

The Board considered a request from the Lee County Board of Education for additional funding in the amount of \$240,836 to cover salary increases for 162 locally paid positions. This item was tabled from the July 17, 2006 Commissioners meeting so Chairman Hincks could meet with school officials to resolve the matter. Commissioner Reives, Chairman of the Commissioners Finance Committee outlined discussion that took place earlier in the day at a Finance Committee meeting where the Lee County Schools and Central Carolina Community College were requesting additional funding. Central Carolina Community College had forwarded a letter to Commissioners stating they anticipated a \$35,000 shortage in utility funds before the end of the fiscal year. Commissioner Reives stated the Finance Committee recommended that both requests be denied. Mr. Reives asked that the Lee County Energy Conservation Committee establish a comprehensive energy conservation policy to study and address energy conservation matters to conserve energy. He further stated that all agencies that are funded by Lee County should adhere to the policy. After further discussion, Commissioner Reives moved to deny the funding request from the Lee County Schools in the amount of \$240,836 and Central Carolina Community College in the amount of \$35,000. Upon a vote, the results were as follows:

Aye: Adams, Brown, Hincks, Lemmond, Paschal, Reives, and Stevens  
Nay: None

The Chairman ruled the motion had been adopted unanimously.

Commissioner Reives stated he would not be attending the work session listed on the agenda and asked for clarification as to what the work session involved. Chairman Hincks stated he had been working with Assistant County Manager Kenny Cole to receive the same information from all proposals submitted for a new Administrative Building that had been presented on the Buggy Factory (Chatham Street). He further stated he hoped to collect enough information to recommend a space needs study of all County facilities. Mr. Hincks also stated that many proposals had been received for vacant land to build a new building, but land was available next to the Government Center that would be more than enough to build a new Administrative Building, Health Department or Social Services Department if the Commissioners elected to build a new building. It was stated that Mr. Cole would be discussing a space needs study in the amount of \$35,000 at the work session, outline space needs information he has obtained, and address where deficiencies lie at this time. It was suggested it might be best to address overcrowding at the Health Department and Social Services now instead of administrative needs. After further discussion, Commissioner Reives moved to reject and dispense with all discussion of building a new Administrative Building and any land offers that were received and to approve up to \$35,000 for a space needs study of all County facilities except the Lee County Jail. Upon a vote, the results were as follows:

Aye: Adams, Brown, Hincks, Lemmond, Paschal, Reives, and Stevens  
Nay: None

The Chairman ruled the motion had been adopted unanimously.

Mr. Joe Cherry, Chairman of the Employee Selection Committee, presented Ms. Ann Holder, COLTS Van Driver as the *August 2006 Employee of the Month*. Chairman Hincks presented Ms. Holder with her awards, which included a day off with pay, a "Star Award" a framed certificate, a pizza from Papa John's Pizza, Coca Cola products, and a movie rental from Movie Gallery.

At this time the Planning Board returned from discussing recommendations pertaining to the four (4) UDO text amendments discussed earlier in the meeting. Assistant Community Development Director Marshall Downey told the Board that the Planning Board recommended approval of all four previously discussed UDO text amendments. Commissioner Reives moved to approve text amendments to the *Special Use Permits* (Zoning and Permitting Procedures, Section 3.5.3). Upon a vote, the results were as follows:

Aye: Adams, Brown, Hincks, Lemmond, Paschal, Reives, and Stevens  
Nay: None

The Chairman ruled the motion had been adopted unanimously.

Commissioner Stevens moved to approve text amendments to the *Creation of Lots within the 100-year Floodplain* (Subdivision Regulations, Section 6.6.6). Upon a vote, the results were as follows:

Aye: Adams, Brown, Hincks, Lemmond, Paschal, Reives, and Stevens  
Nay: None

The Chairman ruled the motion had been adopted unanimously.

Commissioner Lemmond moved to approve text amendments to *Political Signs* (Article 11. Sign Regulations, Section 11.7.11). Upon a vote, the results were as follows:

Aye: Adams, Brown, Hincks, Lemmond, Paschal, Reives, and Stevens  
Nay: None

The Chairman ruled the motion had been adopted unanimously.

Commissioner Adams moved to approve text amendments to the *Flood Hazard Area Regulations* with the stipulation that property owners be told it is "recommended" that two (2) feet be added, but not "required" (Article 13. Flood Hazard Area Regulations). Upon a vote, the results were as follows:

Aye: Adams, Brown, Hincks, Lemmond, Paschal, and Reives  
Nay: Stevens

The Chairman ruled the motion had been adopted by a six to one vote.

Chairman Hincks discussed a memo from Commissioner Reives to County Manager David Smitherman in reference to funding for the new middle school so it could be used as an emergency shelter. Mr. Hincks stated he is a member of the construction committee for the new middle school and electrical needs have been addressed in the school plans that would allow the school to be used as an emergency shelter. Mr. Hincks further asked that Emergency Services Director Jim Groves appear before the Board at the September 18, 2006 meeting and give the Board a follow-up report on shelter design/standards for the new middle school plus an update on a cost for providing generators. Commissioner Reives also asked that Mr. Groves give a report on what plans the Emergency Services office has for "special needs" individuals should an emergency/disaster occur. The Board took no action.

The Board discussed a letter from City Fire Marshal Hayden Lutterloh in reference to safety deficiencies in the Lee County District Attorney's Office at the Lee County Courthouse. Assistant County Manager Kenny Cole told the Board he is working with the District Attorney's Office to resolve the problem and a

committee has been formed to assist in resolving the issues. After some discussion, Commissioner Reives moved that a County employee be with Mr. Lutterloh when inspections are completed of County buildings and that the County Manager's Office is notified of any deficiencies/issues instead of the specific department where the violation occurs. Upon a vote, the results were as follows:

Aye: Adams, Brown, Hincks, Lemmond, Paschal, Reives, and Stevens  
Nay: None

The Chairman ruled the motion had been adopted unanimously.

Commissioner Adams discussed a Resolution Authorizing Certificates of Participation for FY 2006-07 Capital Improvement Program projects. Mr. Adams stated that it appeared, by the Resolution presented, that Certificates of Participation (COPS) would be used as the funding mechanism for all new upcoming projects where in the past Bonds were issued. Mr. Adams further stated it would be good to have public input concerning the construction of a new middle school. Chairman Hincks stated that a special bond referendum would have to be held because there wasn't enough time to place the matter on the November ballot. County Manager David Smitherman stated the proposed resolution was only a "statement of intent" and more steps would follow. Additional information was requested in reference to adding a bond referendum to the ballots for the November 7, 2006 general election. After further discussion, Commissioner Adams moved to approve a *Resolution Authorizing Certificates of Participation for FY 2006-07 Capital Improvement Program Projects*, a copy of which is attached to these minutes and by this reference made a part hereof. Upon a vote, the results were as follows:

Aye: Adams, Brown, Hincks, Lemmond, Paschal, Reives, and Stevens  
Nay: None

The Chairman ruled the motion had been adopted unanimously.

The Board considered budget amendment # 08/14/06/#02 that had been pulled from the Consent Agenda. Commissioner Lemmond stated he had received numerous telephone calls in reference to meals that are now prepared by Aramark and served at the Enrichment Center. Senior Services Director Debbie Davidson told Board members the food quality of the meals catered by Aramark Food Service for the older adults in the Congregate and Home Delivered Meals program through Lee County Senior Services continues to be inadequate. Ms. Davidson stated she had had numerous conversations with Aramark representatives regarding the meals, and though the food did improve some, it has since deteriorated again. A price upgrade had been negotiated of an additional fifteen (15¢) cents per meal to cover a requested menu and upgrade the food quality for Senior Services meals. This fifteen-cent additional

cost was reflected in the above reference budget amendment. After some discussion, Commissioner Lemmond moved to approve budget amendment # 08/14/06/#02, a copy of which is attached to these minutes and by this reference made a part hereof. Upon a vote, the results were as follows:

Aye: Adams, Brown, Hincks, Lemmond, Paschal, Reives, and Stevens  
Nay: None

The Chairman ruled the motion had been adopted unanimously.

The Board considered a Resolution to Establish the BRAC Coordinating Committee. County Manager David Smitherman suggested that a formal committee be appointed to coordinate local activities related to the Base Realignment and Closure (BRAC) initiative. The group has already been informally initiated by Strategic Initiatives Director Lesa Price to facilitate the community's presence at a "*Welcome to North Carolina Relocation Fair*" in Atlanta, Georgia in September. Mr. Smitherman stated it is felt the County should have a standing committee to respond to BRAC matters and advise the Board of Commissioners of activities to prepare for anticipated impacts. It was also noted that Commissioner Robert Reives would be an alternate member of the BRAC Committee. After some discussion, Commissioner Brown moved to add Commissioner Reives as a member of the BRAC Committee and approve the a *Resolution to Establish the Base Relocation and Closure (BRAC) Coordinating Committee*, a copy of which is attached to these minutes and by this reference made a part hereof. Upon a vote, the results were as follows:

Aye: Adams, Brown, Hincks, Lemmond, Paschal, Reives, and Stevens  
Nay: None

The Chairman ruled the motion had been adopted unanimously.

The Board considered appointments to Boards/Commissions. Commissioner Stevens appointed Ms. Rebecca Hyland to serve on the Americans with Disabilities Act Committee (ADA). Commissioner Reives moved to approve the appointment of Ms. Hyland to the above referenced Committee. Upon a vote, the results were as follows:

Aye: Adams, Brown, Hincks, Lemmond, Paschal, Reives, and Stevens  
Nay: None

The Chairman ruled the motion had been adopted unanimously.

Commissioner Lemmond moved to approve applications submitted by Mayor Cornelia Olive and Mr. Jimmy Keen to serve on the Industrial Facility & Financing Authority. Upon a vote, the results were as follows:



Aye: Adams, Brown, Hincks, Lemmond, Paschal, Reives, and Stevens  
Nay: None

The Chairman ruled the motion had been adopted unanimously.

Commissioner Paschal moved to approve the application submitted by Ms. Larvenia McIver to serve on the Rest Home-Nursing Home Advisory Board. Upon a vote, the results were as follows:

Aye: Adams, Brown, Hincks, Lemmond, Paschal, Reives, and Stevens  
Nay: None

The Chairman ruled the motion had been adopted unanimously.

Commissioner Brown moved to table an appointment to the Sanford-Lee County Airport Authority until the September 18, 2006 meeting. Upon a vote, the results were as follows:

Aye: Adams, Brown, Hincks, Lemmond, Paschal, Reives, and Stevens  
Nay: None

The Chairman ruled the motion had been adopted unanimously.

The Monthly Financial Report for the month ending July 31, 2006 was presented to the Board. The Board took no action.

Strategic Initiatives Director Lesa Price gave the Board an update on the BRAC project. Ms. Price stated that a "*Welcome to North Carolina Relocation Fair*" would be held in Atlanta, Georgia, on September 13-14, 2006, and three (3) representatives from Lee County would be attending. Eleven (11) counties will attend and participate in the Fair. A web page has been designed and the committee is working on a CD that will be passed out at the Fair. The Board took no action.

Chairman Hincks recessed the meeting till 12:00 noon in the Gordon Wicker Conference Room, Lee County Government Center, where the work session would take place.

Chairman Hincks called the Work Session to order at 12:00 noon in the Gordon Wicker Conference Room, Lee County Center, with all Commissioners present except Commissioner Reives.

Assistant County Manager Kenny Cole briefly discussed with the Board thirteen (13) vacant properties and/or buildings that had been proposed for a new Administrative Building, a Facility Planning Process outlining steps such as Comprehensive Space Plan, Facilities Management Plan, Capital Improvements

Plan, and Construction Plan. Mr. Cole also presented and discussed a Space Study that was completed in 2002 of all offices located in the Government Center. The study addressed offices, number of employees, existing square footage and suggested square footage.

Mr. Cole presented a proposal from Mullins-Sherman Architects in the amount of \$34,500 for a comprehensive space needs evaluation for the County of Lee. The study would be used to make strategic decisions concerning how to address the County's current space shortages. The study will evaluate all County departments, excluding the Lee County Jail. After some discussion the Board authorized Mr. Cole to enter into an agreement with Mullins-Sherman Architects to conduct a space needs study for all County facilities excluding the Lee County Jail, not to exceed \$35,000, and to send letters to individuals that submitted proposals for property to decline their offer.

County Manager David Smitherman introduced Mr. John Edmondson, retired Wilson County Tax Administrator. Mr. Smitherman recommended to the Board that he be allowed to enter into an agreement with Mr. Edmondson to assist with managing the Lee County Tax Office, on a limited basis, until a replacement can be selected. Commissioner Lemmond moved to authorize the County Manager to enter into an agreement with Mr. John Edmondson, per attached agreement. Upon a vote, the results were as follows:

Aye: Adams, Brown, Hincks, Lemmond, Paschal, and Stevens  
Nay: None  
Absent: Reives

The Chairman ruled the motion had been adopted unanimously.

With no further business to come before the Board, Commissioner Adams moved to adjourn the meeting. Upon a vote, the results were as follows:

Aye: Adams, Brown, Hincks, Lemmond, Paschal, and Stevens  
Nay: None  
Absent: Reives

The Chairman ruled the motion had been adopted unanimously and the meeting adjourned in keeping with the motion.

---

Herbert A. Hincks, Chairman

ATTEST:

---

Gaynell M. Lee, Clerk

